



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/710,285	06/30/2004	Blue Houser	006979.001260

CONFIRMATION NO. 4284

24239  
 MOORE & VAN ALLEN, PLLC  
 2200 W MAIN STREET  
 SUITE 800  
 DURHAM, NC 27705

## FORMALITIES LETTER



\*OC000000013442350\*

Date Mailed: 08/05/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:


Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

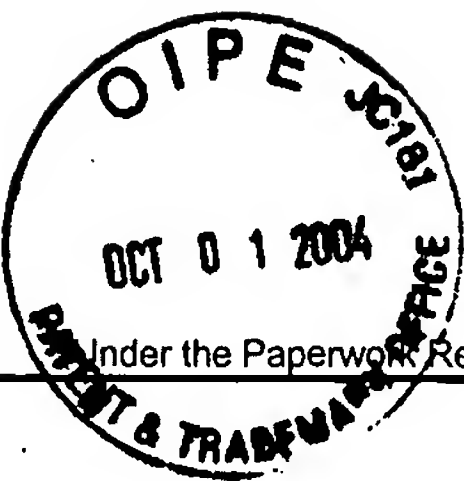
*A copy of this notice MUST be returned with the reply.*

10/05/2004 HGUERAI 00000023 10710285  
 01 FC:1051  
 130.00 OP

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

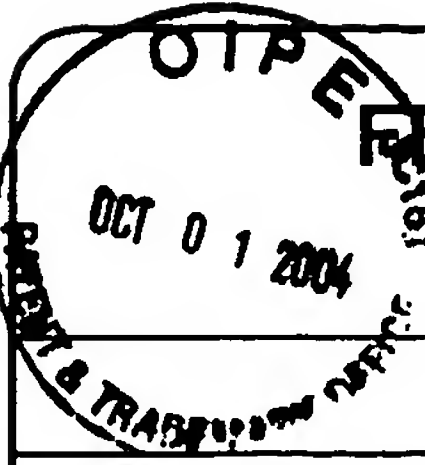
PART 2 - COPY TO BE RETURNED WITH RESPONSE



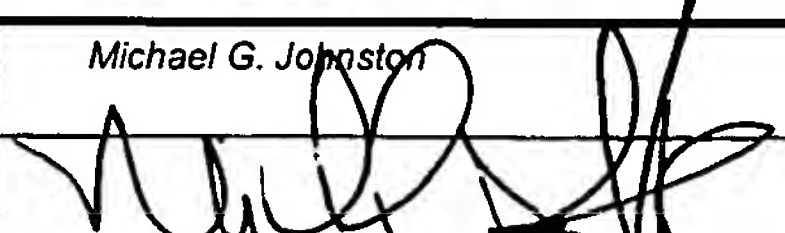
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number		10/710,285			
		Filing Date		June 30, 2004			
		First Named Inventor		Blue Houser			
		Group Art Unit		3618			
		Examiner Name					
Total Number of Pages in This Submission		13		Attorney Docket Number		006979-001260	
<b>ENCLOSURES (check all that apply)</b>							
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> ) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) ( <i>please identify below</i> ): Copy of Notice to File Missing Parts; 4 Page Declaration; Express Mail Certificate and Acknowledgment Postcard.			
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>							
Firm or Individual Name		MICHAEL G. JOHNSTON MOORE & VAN ALLEN					
Signature							
Date		OCTOBER 1, 2004					
<b>CERTIFICATE OF TRANSMISSION/MAILING</b>							
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.							
Typed or printed name							
Signature						Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

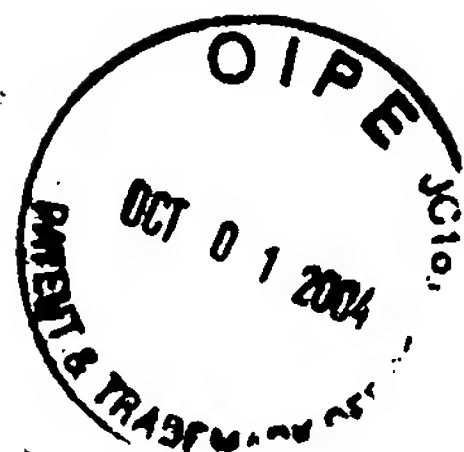
<div></div> <div><b>FEE TRANSMITTAL</b> <b>for FY 2004</b> Patent fees are subject to annual revision.</div>		<b>Complete if Known</b>	
		Application Number	10/710,285
		Filing Date	June 30, 2004
		First Named Inventor	Blue Houser
		Examiner Name	
Group Art Unit			
Attorney Docket No.	006979-001260		
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 130.00		

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>	
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 13-4365 Deposit Account Name: Moore & Van Allen PLLC		Large Entity   Small Entity	
<b>The Commissioner is authorized to: (check all that apply)</b> <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		Fee Code   Fee (\$)	
<b>FEE CALCULATION</b>		Fee Code   Fee (\$)	
<b>1. BASIC FILING FEE</b>		Fee Description	
Large Entity   Small Entity		Fee Paid	
Fee Code   Fee (\$)		Fee Code   Fee (\$)	
101   770   201   385   Utility filing fee			
106   340   206   170   Design filing fee			
107   530   265   260   Plant filing fee			
108   770   208   385   Reissue filing fee			
114   160   214   80   Provisional filing fee			
<b>SUBTOTAL(1)</b> (\$)			
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>			
Total Claims   -20**=   X   Fee from below   Fee Paid			
Independent   -3**=   X   Fee from below   Fee Paid			
Claims   Multiple Dependent			
Large Entity   Small Entity			
Fee Code   Fee (\$)		Fee Code   Fee (\$)	
103   18   203   9   Claims in excess of 20			
102   86   202   43   Independent claims in excess of 3			
104   290   204   145   Multiple dependent claims, if not paid			
109   86   209   43   ** Reissue independent claims over original patent			
110   18   210   9   ** Reissue claims in excess of 20 and over original patent			
<b>SUBTOTAL(2)</b> (\$)			
**or number previously paid, if greater, For Reissues, see above			
		Other fee (specify)	
		<b>SUBTOTAL(3)</b> (\$)130.00	
		* Reduced by Basic Filing Fee Paid	

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print Type) (Attorney/Agent)	Michael G. Johnston	Registration No.	38,194
Signature		Telephone	919-286-8000
		Date	October 1, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement; This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 200231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Blue Houser et al.

Application No.: 10/710,285

Filed: June 30, 2004

For: DOOR OPERATOR

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) mailed on .

A copy of the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) is enclosed.

**DECLARATION OR OATH**

2. No original signed declaration or oath was filed and enclosed is the original signed declaration or oath for this application.

**COMPLETION FEES**

3. Filing fee

Utility patent application (37 CFR 1.16(a))--\$740.00; small entity--\$370.00)	\$
Design application (37 CFR 1.16(f))--\$330.00; small entity--\$165.00)	\$

Fees for claims

Independent claims in excess of three (\$84.00; small entity--\$42.00)	\$
Claims in excess of twenty (\$18.00; small entity--\$9.00)	\$
Multiple dependent claims (\$280.00; small entity--\$140.00)	\$

Surcharge fees

Late filing of original declaration or oath  
(37 CFR 1.16(e)--\$130.00; small entity--\$65.00); \$ 130.00

Petition and fee for filing by other than all the inventors  
or a person not the inventor (37 CFR 1.17(h) and 1.47--\$130.00) \$

Fee for processing an application filed with a  
specification in a non-English language (37 CFR 1.17(k)  
and 1.52(d)--\$130.00) \$

Fee for processing and retention of application  
(37 CFR 1.21(l) and 1.53(d)--\$300.00) \$

**Total Completion Fees** \$ 130.00

4. Payment of Fees

Enclosed is a check for \$130.00.

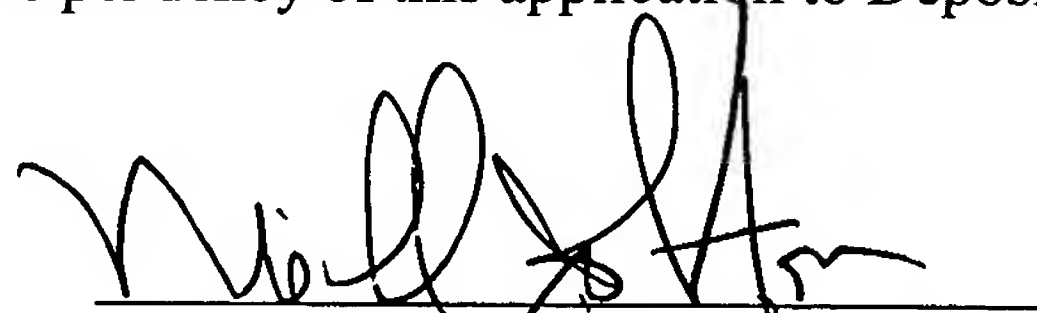
**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

5. The Commissioner is hereby authorized to charge additional fees which may be required by this paper and during the pendency of this application to Deposit Account No. 13-4365.

October 1, 2004  
(DATE)

Reg. No.: 38,194

Tel No.: (919) 286-8000

  
(SIGNATURE OF ATTORNEY)

Michael G. Johnston  
Type or print name of attorney

2200 W. Main Street, Suite 800  
Address

Durham, North Carolina 27705



## EXPRESS MAIL CERTIFICATE

EXPRESS MAIL LABEL NUMBER: EV 453087781 US

Date of Deposit: October 1, 2004

First Named Inventor: Blue Houser

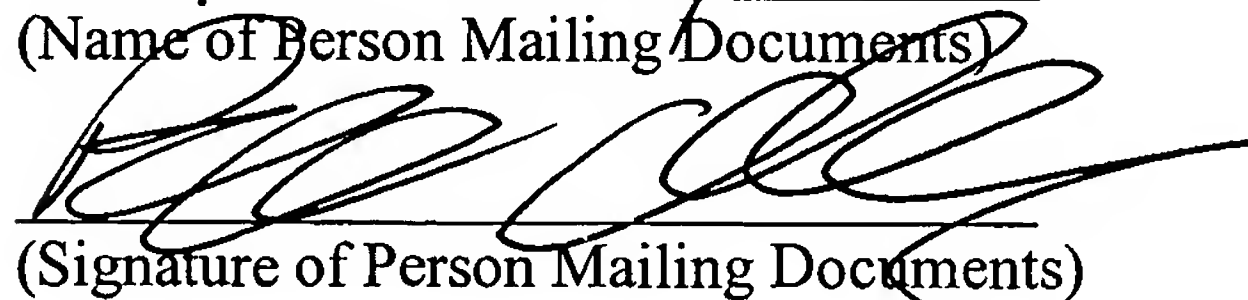
For: DOOR OPERATOR

I hereby certify that the following documents:

1. Transmittal Form (PTO/SB/21);
2. Fee Transmittal for FY 2004 (PTO/SB/17);
3. Check in the amount of \$130.00;
4. Completion of Filing Requirements;
5. Copy of Notice to File Missing Part;
6. Declaration (4 Pages);
7. Express Mail Certificate; and
8. Acknowledgement Postcard.

are being deposited in a single envelope with the United States Postal Services "Express Mail" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:  
Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Brian Coley  
(Name of Person Mailing Documents)

  
(Signature of Person Mailing Documents)